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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,173	01/25/2002	James D. Webb	P-9452	5280

27581 7590 01/16/2004

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EXAMINER

LEHNER, WILLIAM P

ART UNIT	PAPER NUMBER
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2671

DATE MAILED: 01/16/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/057,173

**Applicant(s)**

WEBB, JAMES D.

**Examiner**

William P Lehner

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:
2. Page 4, line 10, "must" should be changed to "much".
3. Page 6, line 4, "for" should be change to "to".
4. Claim 20, "zooming" is misspelled.
5. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6 and 8-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krichen (6250309) in view of McCathieNevile "Accessibility Features of SVG".
8. In regard to claim 1, A system for displaying implantable medical device session data, Krichen displays implantable medical device session data (FIG 7, elements 10 and 206). This data is session data (FIG 9, elements 10 and 308).
9. Comprising: translating means for translating data written in a first predetermined format that is not compatible with SVG-formatted data into SVG-formatted data; Krichen translates the data written in an initial format such as ASCII into XML (column 2, lines 52-58). ASCII is not

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compatible with the Internet (column 1, lines 46-59). Krichen translates XML, not into SVG. McCathieNevile teaches that SVG is used on the Internet/Web. SVG is built on top of XML. SVG gives greater control over graphics, such as resizing images (page 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krichen to use SVG in place of XML as taught by McCathieNevile because it allows greater control over graphics. It would have been obvious to use SVG in place of XML for all of the following claims.

10. And formatting means for receiving the SVG-formatted data and for providing a user-comprehensible representation of the SVG -formatted data. Krichen has formatting means and provides a representation of the data to a remote database (FIG 9, elements 312 and 326). This data is in a final format that is comprehensible to users at the hospital or to the physician (column 14, lines 23-40).

11. In regard to claim 2, wherein the formatting means is means for rendering the SVG -formatted data into a web page. Krichen formats the data into XML documents/pages for use in the worldwide web (column 13, lines 44-53).

12. In regard to claim 3 and 4, 3. Wherein the means for rendering is an SVG browser plug-in. 4. Wherein the means for rendering is an SVG display engine. Krichen does not use a browser plug-in or a display engine. McCathieNevile teaches a standard rendering engine and a browser plug in to access the data (page 41, lines 6-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krichen to use a browser

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plug-in or a display engine as taught by McCathieNevile because it allows access to the data.

13. In regard to claim 5, wherein the translating means includes means for translating data from the first predetermined format into an XML format. Krichen translates the data written in an initial format such as ASCII into XML (column 2, lines 52-58). ASCII is not compatible with the Internet (column 1, lines 46-59).

14. In regard to claim 6, wherein the translating means further includes an XML parser. Note the XML parser (column 13, lines 42-43).

15. In regard to claim 8, wherein the formatting means includes a file for storing the SVG -formatted data. Note the database for storing files with SVG-formatted data (FIG 9, element 326).

16. In regard to claim 9, the formatting means further includes a customer patient charting system for receiving and displaying the SVG -formatted data. Note the patient information (column 13, lines 57-64). XML allows this information to be transmitted and displayed as tables and graphs (column 13, lines 49-52).

17. In regard to claim 10, wherein the formatting means includes a display device. Note the display device (FIG 6).

18. In regard to claim 11, wherein the formatting means includes a printing device. Krichen sends the web page-formatted file to a computer and a remote computer/database (column 7, elements 256 and 260). It is very common for computers to have attached printers, and they are able to print files formatted as web pages.

19. In regard to claim 12, wherein the translating means includes means for translating the data written in the first predetermined

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format directly into SVG -formatted data. Note the above rejection to claim 1.

20. In regard to claim 13, A system to manage medical session data, Krichen's system manages medical session data (column 1, lines 13-24).

comprising: a processing circuit Note the microprocessor that receives signals from the IMD and creates and sends a file to a remote computer (column 12, lines 3-16). To convert the medical session data from an XML format to an SVG format; McCathieNevile teaches Krichen to convert from XML to SVG. And a device to utilize the medical session data translated into the SVG format to generate viewable data. Krichen's XML converter 310 generates viewable data to be used by physicians (column 14, lines 23-40). The XML converter uses medical session data (FIG 9, elements 308 and 310).

21. In regard to claim 14, and further including means to translate the medical session data from a legacy format into the XML format, Krichen translates the data written in an initial format such as ASCII into XML (column 2, lines 52-58). ASCII is a legacy format because it is not compatible with the Internet (column 1, lines 46-59).

22. And to provide the translated data to the processing circuit. The translation occurs inside the processor. The microprocessor/ programmer 200 receives signals from the IMD and creates and sends a file to a remote computer (column 12, lines 3-16). The remote computer receives the file in its final, viewable format (column 14, lines 23-40).

23. In regard to claim 15, and further including an information network coupled to provide the medical session data in the XML format to the processing circuit. Note the LAN network connection connecting the processing circuit/programmer 200 (column 11, line 50 – column 12, line 2).

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24. In regard to claim 16, wherein the information network includes translation means to translate the medical session data from a legacy format to the XML format. The XML converter 310 translates the session data from ASCII to XML (FIG 9).

25. In regard to claim 17, wherein the information network is coupled to one or more devices selected from the group consisting of in-home remote monitors (IRMs), extenders, programmers, and backend systems. Note the in-home remote monitor (FIG 6), programmer 200 (FIG 7), and backend database 326 (FIG 9).

26. In regard to claim 18, A method of displaying session data in an implantable medical device system, Note Krichen's implantable medical device system and session data (column 1, lines 13-24). Comprising the steps of: converting the session data from a first format to a second format; Krichen translates the data written in an initial format such as ASCII into XML (column 2, lines 52-58).

Rendering the converted session data to enable multiple display and control of the converted session data; and displaying the rendered data using the multiple display and layout control to provide a user with multiple display of a single set of session data. Krichen renders and displays the session data but does not do so with multiple displays or control of the layout. McCathieNevile uses XML stylesheets to allow users to control the rendering of images. Users are able to build their own displays- a user with poor vision is able to create a display and layout that they can see clearer (page 7, lines 18-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krichen to allow users to create multiple displays

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and control layout as taught by McCathieNevile because it allows user to view the data better.

27. In regard to claim 19, wherein the first format is an XML format and the second format is an SVG format. McCathieNevile teaches Krichen to convert from XML to SVG.

28. In regard to claim 20, wherein the step of displaying includes re-sizing, zooming, scrolling, use of calipers, and the moving of one of graphics and text portions of the display without the use of custom software. Krichen does not re-size, zoom, scroll, use calipers, or move portions of graphics and text. McCathieNevile teaches that SVG can resize and zoom images (column 5, line 10) because it allows the reader to view the image better. SVG also allows authoring tools (page 13, lines 6-20). Common authoring tools are scrolling hands and calipers that measure position or distance. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krichen to resize, zoom, scroll, and use calipers as taught by McCathieNevile because it allows images to be viewed and edited better.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krichen (6250309) in view of McCathieNevile "Accessibility Features of SVG" in further view of Mani (6654734). Wherein the XML parser is a web browser. Krichen does not place the parser in a web browser. Mani places the XML parser in the web browser to tell the browser how to interpret and display the document (column 5, lines 12-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krichen and McCathieNevile to place an XML parser in a web browser as taught by Mani because the parser tells the browser how to interpret and display the document. Further, this practice is very common.



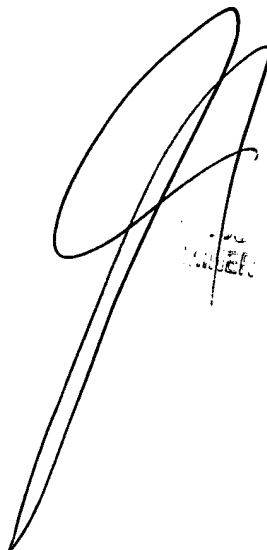
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P Lehner whose telephone number is 703-305-0682. The examiner can normally be reached on 8:30 - 5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman can be reached on 703-305-9798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

WPL

A handwritten signature in black ink, appearing to be 'WPL', with a large loop and a long, sweeping underline.